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## Idaho Transportation Department

### Today's News Briefs

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(Delaware) Smoke ban in Del. vehicles?

DOVER, Del. - Delaware became a national leader in smoke-free legislation when the General Assembly banned smoking in indoor public places in 2002.

Delaware became the second state to pass such a law and helped spark a trend that has reached nearly 20 states.

But a new national movement is afoot - banning smoking in vehicles occupied by minors - and whether the First State jumps on board remains to be seen.

Arizona, Louisiana and Bangor, Maine, have passed laws prohibiting adults from lighting up in their cars if children are present, and several other states, including New Jersey, are following suit, said Joel Spivak, a spokesman with advocacy group Campaign for Tobacco-Free Kids.

"It's a very new idea and a controversial one. A lot of people feel their cars are extensions of their homes," said Mr. Spivak, who noted that the group does not have a position on the measure.

According to news reports, Bangor City Council approved its proposal earlier this month.

Police can pull over a vehicle and fine violators \$50.

In New Jersey, where legislation is expected to be introduced this week, violators could receive a \$500 fine for a first offense with stiffer penalties for subsequent offenses, including jail time, according to the Philadelphia Inquirer.

But such a proposal would have to jump through several hoops before becoming law in Delaware, some lawmakers said Monday.

"I have a hard time with government intruding on a person's rights," said Rep. Robert J. Valihura Jr., R-Wilmington, a co-sponsor of the 2002 smoking ban.

"When you get to private areas, I don't see government has a role to play there ... Do I think this is going too far? Yes. But I certainly find the whole thing interesting."

Rep. Valihura said banning smoking in cars is something that shouldn't be legislated and could be handled by child welfare workers or through civil litigation.

Children exposed to second-hand smoke are more likely to develop respiratory problems, ear infections, asthma and poor lung growth, said Deborah Brown, vice president of community outreach and advocacy for the American Lung Association of Delaware.

"Any measure we can put forward to protect children from secondhand smoke is a good step," Ms. Brown said. "But we would have to look at any and all legislation before making an ultimate decision."

Delaware's smoking ban was one of the first dominoes to fall in a series of events that led to enough states and cities passing similar measures that half of the country's population now lives in areas with bans in effect.

When the General Assembly passed the Clean Indoor Air Act, business owners and other opponents said more people would stay home rather than go out, and although several businesses noticed a dropoff

at first, many have recovered.

Even complaints and fines for violating the smoking ban have tapered off significantly.

The state Division of Public Health and Department of Labor, which enforce the ban, received violations in 2003, the first full more than 550 complaints of year it was in effect.

That number dropped below 150 in 2005 and fell to 87 last year, said Thomas May, chief of Health Systems Protection in the Division of Public Health.

In 2003, 45 fines were issued. The division issued four last year, Mr. May said.

With nearly 20 states and Washington, D.C., enforcing smoking bans, the practice has become generally accepted, said Sen. David B. McBride, D-New Castle, the sponsor of Delaware's smoking ban.

And the idea of a new facet of anti-smoking legislation piqued his curiosity.

"Without a doubt it interests me because most people agree that secondhand smoke is harmful and deadly," Sen. McBride said.

Although he hopes there wouldn't be a need to prohibit smoking in vehicles with children present - "I would hope any reasonable adult wouldn't do that" - Sen. McBride said he'd welcome a discussion on the topic.

"We certainly can look at it," he said. "But with all things, you need others on board. I wouldn't go forward until I had the support of my colleagues."

Kate Bailey, a spokeswoman for Gov. Ruth Ann Minner, said the governor is open to considering anything that comes across her desk.